



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,127	08/20/2003	Mark Andrew Baker	RJ-6704	6519

7590 05/02/2005

TAROLLI, SUNHEIM, COVELL, TUMMINO & SZABO  
111 LEADER BLDG.  
CLEVELAND, OH 44114-1400

EXAMINER
----------

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
----------	--------------

3676

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/644,127	BAKER ET AL.	
	Examiner	Art Unit	
	Christopher Boswell	3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-11,14-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11,14-16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/19/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the locating surfaces, and reference positions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 19 is objected to because of the following informalities: in line 8 of claim 19, the word "aid" is believed to be a typographical error, and should be --said--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-11, 14-16, and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,425,013 to Killen.

Killen discloses a drawer locking mechanism (figure 2) for an item of furniture (10) having a plurality of drawers (14 and 16) and means mounting the drawers (18) for openable and closable movement, the item having a plurality of spaced apart reference positions (50 and 54) on the item of furniture, in which each drawer has associated with it a latching or blocking device (20 and 22) co-operable with the furniture item to allow opening movement of the drawer in a first position (figure 4A) of the latching device and to prevent the opening movement in a second position (figure 4B) of the latching device, each one of the latching devices having a locating surface (end of 22) which is engageable with one of the reference positions to position the latching device relative to the other reference positions and other latching devices having

Art Unit: 3676

locating surfaces engaging the latching reference positions (figure 3), there being a connecting member (30) linking together the latching devices of all the drawers such that opening of any one of the drawers causes the latching devices of all the other drawers to move to their second position, whilst closure of the one drawer causes the latching devices of all the other drawers to return to their first position, wherein the latching devices are connectable (column 2, lines 38-42) to the connecting member at positions to be determined by reference to fixed points on the furniture item for the drawer mounting means, as in claims 16 and 18.

Killean also discloses the latching devices are releasably connectable (figure 3) to the connecting member, as in claim 2, wherein the latching devices are connectable to the connecting member by means of a snap fit (column 2, lines 46-58), as in claim 3, and each latching device has a peg (22) on which the locating surface is disposed, the reference positions includes holes (20) which are engageable by the pegs and the latching devices are designed to be connectable to the connecting member whilst their pegs are disposed in respective the holes (figures 4A and 4B), as in claim 4, as well as the connecting member being desired to be located for slidable movement in a preformed groove (42) in the furniture item, as in claim 5, and each of the latching devices are arranged to cooperate with a pin (22) associated with its respective drawer, as in claim 6.

Killen further discloses the drawers being mounted to the furniture item by drawer runners (24) and each pin is mounted on a drawer runner (figure 2), as in claim 7, where the drawers are mounted in adjustable positions (column 2, lines 23-25) and each pin is mounted on the drawer mounting means of its associated drawer (figure 2), as in claim 8, where the drawer mounting means are configured for receiving the mount for their respective pins at a chosen

Art Unit: 3676

position (column 2, lines 33-36), as in claim 9, and the pins are mounted to their respective drawer mounting means by means of a snap fitting (26), as in claim 10, as well as the mechanism is operable additionally and selectively to disallow opening movement of all the drawers (column 3, lines 47-68), as in claim 11.

Killen additionally discloses the method of assembling the drawer locking device, as applied above in claims 2-11, 16, and 18, for a furniture item comprising connecting the blocking devices with the furniture item at respective reference positions provided on the furniture item (column 2, lines 44-58), the blocking devices being ineffective to block movement of the plurality of drawers when the blocking devices are in the reference positions on the furniture item (column 3, lines 15-29), connecting the connector to the blocking devices when the blocking devices are connected with the furniture item at the respective reference positions to provide a drawer locking device in which the blocking devices are fixed to the connector at spaced apart positions determined by the reference positions (column 2, lines 38-42), disconnecting the blocking devices from the furniture item while maintaining the blocking devices connected to the connector (column 2, lines 44-46), and connecting the blocking devices with the furniture item while maintaining the blocking devices connected to the connector (column 2, lines 44-46), as in claim 19, wherein the reference positions are defined by respective holes (gap in element 20) provided in the furniture item for assembly of respective drawer runners for the plurality of drawers, as in claim 14, as well as the reference positions are defined by respective drawer runners (24) for the plurality of drawers, as in claim 15.

***Response to Arguments***

Applicant's arguments filed January 31, 2005 have been fully considered but they are not persuasive. Regarding the argument, page 9, lines 4-11 of the remarks, that Killen does not disclose latching devices having locating surfaces which are engageable with reference positions on an item of furniture to position the latching devices relative to each other, the examiner respectfully disagrees. Firstly, the examiner has failed to find anywhere within the specification as to what and where a locating surface is; secondly, it is unclear as what location the reference positions refer. By the examiners best assessment of the specification, claims and argument, it is believed that Killen, does in fact, disclose the aforementioned subject matter. The locating surface is found at the end of the peg, to locate the latching device, and the reference position is the location as to where the latching device resides when not in an actuated arrangement, see figure 3.

Regarding the argument, page 9, lines 12-16 of the remarks, that Killen does not disclose the latching devices being releasably connectable to the connecting member, the examiner respectfully disagrees. Killen discloses the latching devices being retained on the connecting member with the use of screws (figure 2), where the latching devices can be released simply by removing the screw.

Regarding the argument that Killen does not disclose the latching device connected to the connecting member by means of a snap fit, the examiner respectfully disagrees. When the latching device of Killen is assembled with the connecting member, the fastening means is capable of fitting the latching device and the connecting member together with a snapping sound, and thus a snap fit.

Art Unit: 3676

Regarding the argument, page 10, lines 17-21 of the remarks, that Killen does not disclose the pins being mounted on their mounted means by means of a snap fitting, the examiner respectfully disagrees. Killen discloses the pins are mounted to their respective drawer by any conventional fastening means (column 2, lines 36-38), which would include a snap pin or a machine screw, and thus Killen is capable of using a snap fit pin.

Regarding the argument, page 12, lines 8-12 of the remarks, that Killen does not suggest disconnecting the blocking devices from the furniture item while the blocking devices are connected to a connector, the examiner respectfully disagrees. The blocking devices of Killen are slidably connected to the furniture item to function properly, and thus the blocking devices are coupled to the furniture item, yet are movable according to the action of the drawers, see figures 4A and 4B.

Regarding the argument, on page 12, lines 13-21 of the remarks, that Killen does not disclose connecting the blocking devices with a furniture item at reference positions which are defined by hole provided in the furniture item for assembly of drawer runners, the examiner respectfully disagrees. Killen discloses the blocking devices being slidably connected to the furniture item, where there are holes within the blocking device to allow assembly of the drawer runners, in which the drawer runners slide through the hole when moving to the connecting position, figures 4A and 4B.

Regarding the argument, on page 13, lines 14-20, that Killen does not disclose the blocking devices having a first connecting portion for connection with reference connections and a second connecting portion for connection with a connecting member, the examiner respectfully disagrees. As shown in figure 3, the holes within the blocking devices allows releasable



Art Unit: 3676

connections with the drawer runners, as well as a second connecting portion (32 and 34 of figure 2) connects the blocking devices to the connecting member.

### ***Conclusion***

Applicant's amendment, specifically claim 18, lines 3-4 and 7-11, and claim 19, lines 10-12, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

CJB CB  
April 26, 2005